

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: § Group Art Unit: 2645
Michael W. Brown, *et al.* §
Serial No.: 10/015,267 § Examiner: Elahee MD S.
Filed: December 12, 2001 § Atty Docket No.: AUS920010821US1
Title: Origin Device Based Callee § Customer No.: 34533
Identification § Confirmation No.: 1757

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Honorable Commissioner:

This is a Response (hereafter 'Response'), filed pursuant to 37 CFR § 41.37, to the Notice of Non-Compliant Appeal Brief dated December 13, 2006. The subject Appeal Brief was filed on April 1, 2005 and amended in the Amended Appeal Brief filed on September 22, 2006. The Amended Appeal Brief of September 22, 2006 included a summary of claimed subject matter of the independent claims in the present case. The Notice of Non-Compliant Appeal Brief of December 13, 2006 takes the position that the summary of claimed subject matter is defective because the Amended Appeal Brief does not provide a sufficient summary of the independent claim 52 involved in this appeal.

MPEP 1205.03 advises:

When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be

filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice.

Appellants therefore submit this Response that sets forth below a summary of the claimed subject matter of the independent claims in this case, including a summary of independent claim 52.

**SUMMARY OF CLAIMED SUBJECT
MATTER FOR DEPENDENT CLAIMS**

Appellants provide the following concise summary of the claimed subject matter according to 37 CFR§ 41.37(c)(1)(v), including references to specification by page and line number and to the drawings if any, by reference characters. There are six independent claims involved in this appeal: claims 1, 12, 23, 40, 45, 50 and 52. Claim 1 recites a method of identifying a particular callee. Claims 12 and 23 recite counterpart aspects of the method of claim 1. Claim 12 recites system aspects of the method of claim 1. Claim 23 recites computer program product aspects of the method of claim 1. Claim 40 also recites a method of identifying a callee. Claim 50 recites counterpart aspects of the method of claim 40. Claim 50 recites system aspects of the method of claim 40. Claim 52 recites another method of identifying a callee.

Summary of Claim 1:

Claim 1 recites a method of identifying a particular callee (page 30, lines 23-26, and Figure 4). The method of claim 1 includes detecting (page 32, line 29 – page 33, line 2, and step S12 at Figure 4), at an origin device (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2), a voice utterance of a callee from a destination device (page 25, lines 6-12, and reference 44 at Figure 2); and identifying (page 33, lines 4-29, and S13, S15, and S23 at Figure 4), at said origin device (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2), a callee identity associated with said voice utterance, such that said callee identity is transmittable as an authenticated identity of said callee for a call (page 33, lines 13-16, and step S14 at Figure 4).

Summary of Claim 12:

Claim 12 recites a system for identifying a particular callee (page 30, lines 23-26, and Figure 4). The system of claim 12 includes an origin device connected to a telephone network (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2); means for detecting (page 32, line 29 – page 33, line 2, and step S12 at Figure 4), at said origin device (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2), a voice utterance of a callee from a destination device (page 25, lines 6-12, and reference 44 at Figure 2); and identifying (page 33, lines 4-29, and S13, S15, and S23 at Figure 4), at said origin device (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2), a callee identity associated with said voice utterance, wherein said callee identity is transmittable as an authenticated identity of said callee for a call (page 33, lines 13-16, and step S14 at Figure 4).

Summary of Claim 23:

Claim 23 recites a computer program product for identifying a particular callee (page 30, lines 23-26, and Figure 4). The computer program product of claim 23 includes a recording medium (page 37, line 14 – page 38, line 1); means recorded on a recording medium, for detecting (page 32, line 29 – page 33, line 2, and step S12 at Figure 4), a voice utterance of a callee from a destination device (page 25, lines 6-12, and reference 44 at Figure 2) at an origin device (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2); means recorded on said recording medium, for identifying (page 33, lines 4-29, and S13, S15, and S23 at Figure 4) a callee identity associated with said voice utterance, wherein said callee identity is transmittable as an authenticated identity of said callee for a call (page 33, lines 13-16, and step S14 at Figure 4).

Summary of Claim 40:

Claim 40 recites a method for identifying a callee (page 30, lines 23-26, and Figure 4). The method of claim 40 includes detecting (page 32, line 29 – page 33, line 2, and step S12 at Figure 4) a voice utterance of a callee (page 25, lines 6-12, and reference 44 at Figure 2) at a origin device originating a call (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2); authenticating an identity of said callee (page 30, lines 23-26) from said voice utterance at said origin device (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2); and enabling output of said authenticated identity from said origin device such that a caller accessing said origin device is informed of an identity of said callee (page 26, lines 13-16).

Summary of claim 45:

Claim 45 recites a system for identifying a callee (page 30, lines 23-26, and Figure 4). The system of claim 45 includes an origin device for originating a call (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2); means or detecting (page 32, line 20 – page 33, line 2, and step S12 at Figure 4) a voice utterance of a callee (page 25, lines 6-12, and reference 44 at Figure 2) at said origin device (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2); and means for authenticating an identity of said callee (page 30, lines 23-26) from said voice utterance at said origin device (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2); and means for enabling output of said authenticated identity from said origin device, such that a caller accessing said origin device is informed of an identity of said callee (page 26, lines 13-16).

Summary of claim 50:

Claim 50 recites a computer program product for identifying a callee (page 30, lines 23-26, and Figure 4). The computer program product of claim 50 includes a recording medium (page 37, line 14 – page 38, line 1); means, recorded on said recording medium, for detecting (page 32, line 20 – page 33, line 2, and step S12 at Figure 4) a voice

utterance of a callee (page 25, lines 6-12, and reference 44 at Figure 2) at an origin device (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2); means, recorded on said recording medium, for authenticating an identity of said callee (page 30, lines 23-26) from said voice utterance at said origin device (page 24, line 22 – page 25, line 4, and reference 40 at Figure 2); and means, recorded on said recording medium, for enabling output of said authenticated identity from said origin device, such that a caller accessing said origin device is informed of an identity of said callee (page 26, lines 13-16).

Summary of Claim 52:

Claim 52 recites a method for identifying a particular callee (page 30, lines 23-26, and Figure 4). The method of claim 52 includes detecting, at a call initiating telephony apparatus, a voice utterance of a callee from a destination device (page 32, line 20 – page 33, line 2, and step S12 at Figure 4). The method of claim 52 also includes identifying, at the call initiating telephony apparatus, a callee identity associated with said voice utterance, such that said callee identity is transmittable as an authenticated identity of said callee for a call (page 33, lines 4-12, and step S13 at Figure 4).

All such references to the specification identify descriptions and discussions that are part of the detailed descriptions of exemplary embodiments of the present invention in the present application. Such descriptions and discussions are not limitations of the claims in the present application. The only limitations of the claims are set forth in the claims themselves.

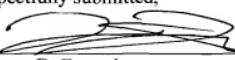
Conclusion

Appellants respectfully submit that the summary of the claimed subject matter of the independent claims set forth above in this Response places the current appeal in condition to proceed.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447
for any fees required or overpaid.

Respectfully submitted,

Date: January 12, 2007

By: 

Thomas D. Fortenberry
Reg. No. 56,537
Biggers & Ohanian, LLP
P.O. Box 1469
Austin, Texas 78767-1469
Tel. (512) 472-9881
Fax (512) 472-9887
ATTORNEY FOR APPELLANTS